

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2034**

**Introduced by Assembly Member Knight**  
(Principal coauthor: Senator Runner)

February 17, 2010

---

An act to ~~amend Section 44836 of~~ *add Section 44836.5 to the* Education Code, relating to public school volunteers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2034, as amended, Knight. Public school volunteers: persons convicted of sex or controlled substance offenses.

~~(1) Existing~~

*Existing* law prohibits school district governing boards from employing or retaining in employment persons in public school service who have been convicted of a designated sex offense or controlled substance offense unless the conviction is reversed and the person is acquitted of the offense in a new trial, or the charges against him or her are dismissed.

This bill would ~~also prohibit school district governing boards from~~ *allowing establish the Safe School Volunteers Program, under which the governing board of a school district that opted, as prescribed, on or before June 30, 2011, to participate would be required, on and after July 1, 2011, to perform, or arrange for the performance of, background checks for persons, other than pupils of that district, who seek to voluntarily participate in any district activities. The bill would prohibit* persons who have been convicted of ~~these~~ *the designated sex or controlled substance* offenses, and who have not been subsequently acquitted or had the charges against them dismissed, from voluntarily

participating in school activities *of that district*. ~~Because this bill would impose new duties on school districts, it would constitute a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 44836.5 is added to the Education Code,  
2     to read:

3     44836.5. (a) The Safe School Volunteers Program is hereby  
4     established.

5     (b) The governing board of a school district may opt to  
6     participate in the Safe School Volunteers Program by enacting a  
7     resolution to that effect at a regularly scheduled public meeting  
8     on or before June 30, 2011.

9     (c) On and after July 1, 2011, a school district that has opted  
10    to participate in the Safe School Volunteers Program shall perform,  
11    or arrange for the performance of, background checks for persons,  
12    other than pupils of that district, who seek to voluntarily participate  
13    in any district activities. Any person who would be prohibited from  
14    employment or retention in employment under Section 44836 shall  
15    also be prohibited from voluntary participation in any activities  
16    of the district under this section.

17    SECTION 1. ~~Section 44836 of the Education Code is amended~~  
18    to read:

19    44836. (a) (1) The governing board of a school district shall  
20    not employ or retain in employment persons in public school  
21    service who have been convicted, or who have been convicted  
22    following a plea of nolo contendere to charges, of any sex offense  
23    as defined in Section 44010. The governing board of a school  
24    district also shall not allow a person to whom this paragraph is  
25    applicable to voluntarily participate in any district activities.

1     ~~(2) If a person's conviction of a sex offense as defined in Section~~  
2     ~~44010 is reversed and the person is acquitted of the offense in a~~  
3     ~~new trial or the charges against him or her are dismissed, this~~  
4     ~~section does not prohibit his or her employment or ability to~~  
5     ~~voluntarily participate in district activities thereafter. If the~~  
6     ~~dismissal was pursuant to Section 1203.4 of the Penal Code and~~  
7     ~~the victim of the sex offense was a minor, this section does prohibit~~  
8     ~~the person's employment and voluntary participation in district~~  
9     ~~activities.~~

10    ~~(b) (1) The governing board of a school district also shall not~~  
11    ~~employ or retain in employment persons in public school service~~  
12    ~~who have been convicted of any controlled substance offense as~~  
13    ~~defined in Section 44011. The governing board of a school district~~  
14    ~~also shall not allow a person to whom this paragraph is applicable~~  
15    ~~to voluntarily participate in any district activities.~~

16    ~~(2) If a person's conviction for a controlled substance offense~~  
17    ~~as defined in Section 44011 is reversed and the person is acquitted~~  
18    ~~of the offense in a new trial or the charges against him or her are~~  
19    ~~dismissed, this section does not prohibit his or her employment or~~  
20    ~~ability to voluntarily participate in district activities thereafter.~~

21    ~~(c) Notwithstanding subdivision (b), the governing board of a~~  
22    ~~school district may employ a person convicted of a controlled~~  
23    ~~substance offense in a position requiring certification qualifications~~  
24    ~~if that person holds an appropriate credential issued by the~~  
25    ~~Commission on Teacher Credentialing.~~

26    ~~SEC. 2. If the Commission on State Mandates determines that~~  
27    ~~this act contains costs mandated by the state, reimbursement to~~  
28    ~~local agencies and school districts for those costs shall be made~~  
29    ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
30    ~~4 of Title 2 of the Government Code.~~